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other (see pp. 417, 382, 426). It is apparent that some specific title of this sort must be introduced into the law, unless Mr. Bishop's class of "Unnamed Wrongs" is to cover a very wide field.

(3) As to assault, battery, and kindred topics.

Here are two difficulties. One is, that the terms "assault" and "battery" are often used interchangeably. What is strictly assault is denominated battery, and *vice versa*: and this results in confusion of legal ideas. The other is, that there are actionable violations of the right of personal immunity which do not fall within the ordinary legal definitions of either assault or battery.

Mr. Salmond meets these difficulties: first, by using one term "assault" to cover all the kinds of injuries heretofore classified separately as assaults or as batteries; and, second, by introducing a new title, "Bodily Harm" (pp. 337-349). Under the latter title he includes (*inter alia*) physical harm inflicted negligently, and "illness due to mere nervous shock." Under the former title he begins by defining assault in language heretofore generally used to describe battery; viz., "the intentional application of force to the person of another without lawful justification." Then the species of actionable tort heretofore generally defined as assault he virtually describes as an attempt to commit an assault; using "assault" in the sense of his own previous definition. Mr. Bishop once suggested the possibility of using battery, not assault, as the one general term in criminal law. His plan was: Define battery according to the old usage; then define assault as "any indictable attempt to commit a battery."¹

Probably no two lawyers would agree on all questions in the law of torts. From our standpoint some of Mr. Salmond's views are disputable. We should not concur in his criticism of *Fouldes v. Willoughby* (p. 293, note 25). We should differ widely from him as to Legal Cause, a topic which he treats of (pp. 103 *et seq.*) under the head of Remoteness of Damage, and upon which he is supported by the high authority of Sir Frederick Pollock. But his discussions, even though they may not invariably convince the reader, are always thoughtful and stimulating. J. S.

THE LAWS OF ENGLAND. By the Right Honorable the Earl of Halsbury and other lawyers. In about 20 volumes. Vol. I: Action to Bankers and Banking. London: Butterworth & Co. Philadelphia: Cromarty Law Book Company. 1907. pp. ccxviii, 647 (68). 8vo. Vol. II: Bankruptcy to Bills of Exchange. 1908. pp. clviii, 580 (54).

The projectors of this *magnum opus* describe it on the titlepage as "A complete statement of the whole Law of England." The work is not an encyclopedia, after the manner of the English Encyclopedia of Law or the American and English Encyclopedia of Law. In the former there are one hundred and forty-two principal articles, and in the latter seventy-six articles, under the letter A and the letter B as far as the title Bills of Exchange, whereas in the first two volumes of Lord Halsbury's work there are but seventeen articles. Nor is this work a digest of the law arranged upon a scientific classification of the branches of the law. This "complete statement" of the law is to be contained in a collection of treatises, arranged alphabetically, upon the main divisions of the law. Volume I deals with Action, Admiralty, Agency, Agriculture, Aliens, Allotments, Animals, Arbitration, Auction, Bailment, and Bankers and Banking. Vol. II contains but four treatises, upon Bankruptcy and Insolvency (355 pages); Barristers (67 pages); Bastardy (28 pages); and Bills of Exchange, Promissory Notes and Negotiable Instruments (124 pages).

In the execution of this novel and comprehensive plan excellent judgment has been exercised in the selection, as writers of the treatises, of men who have already made their mark as authors, or as expert practitioners, in special branches of the law.

¹ 2 Bishop, New Crim. Law, § 23, note 1.

An enlightening and carefully prepared Table of Contents precedes each treatise, and each volume contains a Table of Statutes and a Table of Cases cited.

If the excellence of these two volumes is maintained in the subsequent volumes, the complete work will be a solid contribution to the Law of England, and of great practical utility to the lawyer and the judge.

J. B. A.

HANDBOOK OF THE LAW OF SALES. By Francis B. Tiffany. Second Edition. Hornbook Series. St. Paul: West Publishing Co. 1908. pp. x, 435. 8vo.

Of the excellence of this book as a concise presentation of the general principles of the law of sales sufficient was said in the review of the first edition. See 9 HARV. L. REV. 228. It is essentially a summary of what the law is, with almost no explanation or elucidation of principles. Frequent reference is made to the more extended discussions in Benjamin and other works. In this second edition several of the chapters have been partly rewritten to advantage. For example, in the chapters on the "Effect of the Contract in Passing the Property," the author makes the distinction, which was not brought out clearly in the first edition, between the passing of title and the right to possession where goods are delivered to a carrier by the seller. Much new matter has been introduced in the chapters on warranties, but with the limited space at command the author can do little more than state general rules. These additions, with the many new cases cited, make the book more useful.

In the appendix the proposed Sales Act, drawn by Professor Samuel Williston of Harvard University, is printed. This act, which was recommended by the Commissioners on Uniform State Laws, has already been enacted in several states, so that a study of it is no longer academic. The author has adopted its text freely in stating general rules, and has made frequent reference to its sections in the notes, as well as to the sections of the English Sale of Goods Act, which is also printed in the appendix. The points wherein the Sales Act is different from the common law are noted. This treatment gives a present value and interest to the book, for the reader becomes familiar with an act which is likely to be adopted generally. For a thorough study of the act, however, the reader is referred to the annotated draft which is published elsewhere. See 30 Rep. Am. Bar Ass'n, 343 *et seq.* (1906).

R. T. H.

TWO STUDIES IN INTERNATIONAL LAW. By Coleman Phillipson. London: Stevens and Haynes. 1908. pp. xviii, 136. 8vo.

The two studies contained in this small volume are entitled "The Influence of International Arbitration on the Development of International Law" and "The Rights of Neutrals and Belligerents as to Submarine Cables, Wireless Telegraphy, and Intercepting of Information in Time of War." Mr. Phillipson's work shows evidence of considerable industry. Each study is preceded by a fair-sized bibliography. The first study contains many facts and instances, and is compressed in a very small compass. The author's own opinion as to the influence of international arbitration is not given with any fulness. We regret that he has failed to do this when we read the second study, for in that, after a very thorough presentation of the opinions of other writers and of the various Institutes of international law, a statement of treaty provisions and of actual cases in time of war, Mr. Phillipson sums up what he considers the law is, and what it is tending to become. The opinions which he reaches are not only well founded in themselves, but are substantially those reached by the Institute de Droit International in Ghent (pp. 110-113) some time after the writing of his essay.

Though in no sense a complete work, this little book is suggestive, and is convenient both as a reference manual and as a means of getting at more detailed consideration of the two interesting subjects which are dealt with. S. H. E. F.